

The Gazette of India



EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 7] NEW DELHI, FRIDAY, FEBRUARY 26, 1954

HOUSE OF THE PEOPLE

The following Bills were introduced in the House of the People on 26th February, 1954:—

BILL No. 9 OF 1953

A Bill further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Indian Railways (Amendment) Act, 19 .

2. Omission of sections 71A and 71B, Act IX of 1890.—Sections 71A and 71B of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act) shall be omitted.

3. Amendment of section 71C, Act IX of 1890.—In section 71C of the principal Act,—

(1) in sub-section (1),

(i) the words “other than a railway servant whose employment is essentially intermittent” shall be omitted; and

(ii) for the word “sixty”, the word “forty-eight” shall be substituted; and

(2) for sub-sections (2) and (3), the following shall be substituted, namely :—

“(2) Subject to rules made under this section temporary exemptions of railway servants from the provisions of sub-section (1) may be made when such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in cases of accident, or when urgent work is required to be done or in any emergency which could not have been foreseen or prevented:

Provided that a railway servant who has been exempted shall be paid for overtime at not less than twice his ordinary rate of pay.”

4. Amendment of section 71D, Act IX of 1890.—In section 71D of the principal Act,—

- (i) Proviso to sub-section (1) shall be omitted; and
- (ii) sub-sections (2) and (3) shall be omitted.

5. Omission of section 71E, Act IX of 1890.—Section 71E of the principal Act shall be omitted.

6. Amendment of section 101, Act IX of 1890.—In section 101 of the principal Act,—

(i) for the words “endangers the safety of any person”, the words “caused injuries to any person” shall be substituted;

(ii) in clause (a), for the words “disobeying any general rule”, the words “wilful disobedience to any specific rule” shall be substituted;

(iii) in clause (b), for the words “disobeying any rule”, the words “wilful disobedience to any specific rule” shall be substituted; and

(iv) the following proviso shall be added at the end, namely:—

“Provided that this section shall not apply to a railway servant who while discharging the normal duties assigned to him meets with accident under unforeseen circumstances beyond his control and that in such cases he shall be given sufficient protection against prosecutions.”

7. Amendment of section 129, Act IX of 1890.—In section 129 of the principal Act, for the words “is likely to endanger”, the words “has endangered” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present according to the Indian Railways Act, 1890, the railway servants are classified as “continuous” and “essentially intermittent” workers making them work 60 hours and 84 hours a week respectively. In the case of continuous workers, when called to do work for more than 60 hours a week, they are given only one and a quarter times the wages for every hour overtime worked; whereas according to the Factories Act of 1948, overtime is granted two times the average wage for every extra hour over and above 48 hours a week. In the case of “Intermittent” workers, there is no provision for any weekly rest nor for overtime allowances.

Besides this, any railway servant who while discharging his normal duties, if gets involved in any accident small or big which are according to the Act “likely to endanger the safety of any person”, he can be prosecuted under section 101 or 129 of the Act. These sections are so wide enough that for any small commission or omission whether wilful or otherwise unavoidable or not, any railway servant is held responsible and he is summarily arrested and prosecuted keeping him all the while under suspension on a meagre subsistence allowance indefinitely till the case is over. Of late, this practice, having been indiscriminately followed in every petty occurrence, is causing undue hardships to the railwaymen who are called to discharge duties under most unfavourable

circumstances. As a result, they have become more nervous and panicky business becoming seriously discontented with increased danger to the safety of railways. The above sections are being used to harass the workers than to correct them.

Therefore in the above circumstances, amendments to sections 71, 101 and 129 of the Act are brought to,—(1) reduce the hours of work of all railwaymen to 48 hours a week, (2) to grant two times the wages for every hour of overtime worked, (3) to protect the railway servants against frivolous prosecutions and thus instil a sense of security amongst them so that their morale can be raised to make them discharge their duties most efficiently for a better railway system.

K. ANANDA NAMBIAR.

BILL No. 26 OF 1953

A Bill further to amend the Indian Trade Unions Act, 1926.

Enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Trade Unions (Amendment) Act, 1953

(2) It shall come into force at once.

2. **Insertion of new section 15A, Act XVI of 1926.**—After section 15 of the Indian Trade Unions Act, 1926, the following new section shall be inserted, namely:—

“15A. Every registered Trade Union shall be recognised by the employer, whether Government or Private:

Provided that,—it has a membership of not less than five per cent. of the total number of employees in that particular industry or concern under the same management:

Provided further that in case of a dispute over the claims of membership on rolls of the registered union, the result of a secret ballot of all the workers employed in that industry or concern under the same management be taken for the purpose of grant of recognition under the first proviso.”

STATEMENT OF OBJECTS AND REASONS

Grant of recognition to registered Trade Unions is the universal demand of all sections of employees and Trade Unionists ever since Trade Union movement started in this country. But the Indian Trade Unions Act, 1926 did not provide for compulsory recognition of Trade Unions. The object of this Bill is to grant recognition compulsorily to registered Trade Unions provided the Union shows a genuine membership of five per cent. of the total employees in that particular trade or concern under the same management

It also provides for secret ballot by employees if there is a dispute over the claims of the membership of a particular registered Trade Union.

This Bill if enacted will eliminate one of the most disputed differences between the employers and the employees which in turn will contribute considerably towards improvement of labour relations.

K. ANANDA NAMBIAR.

BILL No. 31 OF 1953

A Bill to regulate and licence institutions caring for women and children.

WHEREAS it is expedient to enact a law to regulate and licence orphanages and other institutions caring for women and children under eighteen years of age and to provide for the proper custody, care and training of their inmates:

It is enacted by Parliament as follows:—

PART I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Women's and Children's Institutions Licensing Act, 19

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Definitions.—(1) In this Act, unless there is anything repugnant to the subject or context,—

(i) "child" includes a boy or a girl who has not attained the age of eighteen;

(ii) "institution" includes an orphanage, vigilance home, rescue home, shelter and any other home or place run by Government or any local authority or by private individuals or organisations, which provides for the care of five or more women and/or children or which is so organised or administered that its service is essentially institutional in character regardless of the number of inmates cared for;

(iii) "licensing authority" means the District Magistrate of a district or any special officer appointed by the District Magistrate to perform on his behalf the duties of the licensing authority;

(iv) "manager" means the owner and any person having or acting in the care of management of a women's or children's institution, vigilance home, rescue home, shelter or other such institution and the members of the governing body of that institution, if any;

(v) "person" includes an institution, association or body of individuals whether incorporated or not, established for or having for its object the reception or protection of women or children or the prevention of cruelty to children or exploitation of women for immoral purposes and which undertakes to train and rehabilitate, or to bring up or to give facilities for training or rehabilitation or bringing up of any woman or child entrusted to its care in conformity with the religion of her or his birth;

(vi) "woman" includes a female of eighteen years of age and above;

(vii) "year" means the calendar year of Christian era.

(2) Words and expressions used and not defined in this Act but defined in the Code of Criminal Procedure, 1898, shall have the meaning assigned to them in that Code.

PART II

LICENSING

3. Licence required to run a Children's Institution.—(1) No person, shall, without first having obtained a written licence from the licensing authority own, establish, maintain or conduct any Women's and Children's Institution, under any name for the reception or care of women and/or children nor shall either receive or care for any woman or child in the absence of her husband, parent or lawful guardian, with or without maintenance.

(2) An application for securing licence for an institution shall be made in writing in the prescribed form by the manager of an institution caring for women and/or children to the licensing authority.

(3) The licensing authority shall thereupon cause enquiry to be made in respect of such application with special reference to the constitution, aims, objects and financial stability of the organization, as also arrangements for board and lodging, general health of the inmates and facilities for their education, medical treatment, industrial training and rehabilitation.

(4) The licensing authority on such enquiry may if satisfied grant a licence in respect of such place, and the licence shall remain in force for the calendar year subject to such conditions and requirements as may be prescribed.

(5) The licence, besides giving the name of the institution, its managers, and its location, shall specify the number, sex, age and other limitation as to the women or children to be admitted and the performance of the services.

4. Renewal of licence.—Application for renewal of a licence shall be filed at least thirty days prior to its expiration. If no such application is filed, the licence shall automatically cease at the end of the calendar year.

5. Non-transfer of licence.—No licence shall be transferable.

6. Change of licence or service not permitted.—The location of any Institution specified in the licence, and the performance of any service, specified therein shall not be changed without the written consent of the licensing authority.

7. Maintenance of register of records.—Every holder of a licence shall maintain a register in the prescribed form setting forth the following facts concerning each woman or child on admission received into the care of such licence holder—

- (a) name of the woman or child;
- (b) age, sex, and religion;
- (c) condition of her or his health on admission;
- (d) last address;
- (e) nearest of kin;
- (f) names of father and mother stating whether dead or living and name of husband in case of a married woman or a girl;
- (g) persons responsible for her or his care;
- (h) amount, if any, paid for care;

- (i) name of person or agency seeking admission of the or child;
- (j) reasons for admission;
- (k) terms and conditions of admission;
- (l) a brief history of the case; and
- (m) such other data as from time to time may be required by the licensing authority.

8. Holder of licence to file copy of register.—Every holder of licence shall file a copy of the register of records with the licensing authority at the time of issue of the licence.

9. Monthly statement of admissions and discharges to be filled.—The holder of the licence shall further furnish to the licensing authority a monthly statement in the prescribed form of all new admissions and discharges.

10. Death of persons and administrative changes to be reported.—Upon the occurrence of a death of any inmate or any changes in the administrative personnel of any such institution, the holder of the licence shall within forty-eight hours give notice in writing to that effect to the licensing authority:

Provided that the incident of a sudden death shall be reported to the licensing authority immediately.

11. Managers of institutions bound to teach and train every child admitted.—The manager of the institution shall be bound to teach, train, lodge, clothe and feed every woman or child, admitted in the institution till the woman is rehabilitated or the child attains the age of eighteen years:

Provided that no such responsibility as aforesaid, shall be a binding on the manager if he resigns from the institution or if the licence of the institution is withdrawn.

12. Penalty for operation without licence.—(1) Any person, who maintains, conducts as manager or officer in any other administrative capacity or assists in maintaining or conducting any institution and contravenes the provisions contained in section 3 of this Act shall be guilty of an offence punishable with imprisonment which may extend to two months or with fine not exceeding two hundred rupees or with both.

(2) The inmates of any such institution shall be removed from there by the licensing authority and shall be placed in some other licenced institution.

PART III

MANAGEMENT AND INSPECTION

13. Governing Body.—Every institution licenced under this Act shall be under the management of a Governing Body, the members of which shall be deemed to be the managers of the institution for the purpose of this Act and shall be deemed to be responsible for the organization.

14. Audited accounts to be submitted to the licensing authority.—Every institution shall maintain proper accounts of all sums of money received and spent, and shall file with the licensing authority an annual statement of accounts duly audited by a chartered accountant.

5. Inspection by the licensing authority.—(1) Any institution may be inspected at all reasonable hours by a licensing officer or any member of his inspecting staff for the purpose of looking after the health and welfare of the children and the sanitation of the premises.

(2) The licensing officer or any member of his inspecting staff shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purpose, and the person in-charge of the place shall afford all reasonable facilities for such inspection.

(3) The officer so inspecting shall at the conclusion of his inspection record his remarks in the visitor's book of the institution.

(4) The licensing authority shall communicate to the institution inspected by him or his representative any suggestion he has to make on receiving the report of his representative.

16. Government if dissatisfied may withdraw licence.—(1) The State Government concerned, on a report from the licensing authority if dissatisfied with the conditions, rules, management or superintendence of a licensed institution, may at any time by notice served on the managers of the institution declare that the licence be withdrawn as from a date specified in the notice, and the institution shall cease to function from that date.

(2) The State Government concerned may instead of cancelling a licence under sub-section (1) by notice served on the managers of the institution prohibit further admissions to the institution for such time as may be specified in the notice or until the notice is revoked:

Provided that before the issue of a notice under sub-sections (1) and (2) a reasonable opportunity shall be given to the manager of the institution to show cause why the licence may not be withdrawn or admission to the institution may not be prohibited, as the case may be.

17. Resignation of licence by managers and its effect.—(1) The manager of the institution may, on giving six months notice in writing to the State Government through the licensing authority of his intention to do so, apply for cancellation of the licence of the institution, and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the cancellation of the licence shall take effect and the institution shall cease to function.

(2) A woman or a child shall not be received into the institution after the date of receipt, by managers of the institution, of a notice of withdrawal of licence or after the date of a notice of cancellation of the licence:

Provided that the obligation of the managers to teach, train, lodge, clothe and feed any inmates in the institution shall continue until the withdrawal or cancellation of the licence takes effect.

18. Custody of inmates of institution on cancellation of licence of an institution.—The licensing authority, on cancellation of the licence of any place under sections 16 and 17 or otherwise closing down of an unauthorised institution under section 12, may direct that any woman or child who is an inmate of such place, be,—

(a) restored to the custody of her or his parent, husband or guardian, as the case may be:

(b) released to the care of any other fit person; or

(c) transferred to another institution.

19. State Governments to make rules for management of institutions.—The State Governments are empowered to make such rules and regulations as they deem fit for the management of the institutions or for the performance of their services.

20. Local Authority competent to fix standards for sanitation, health and hygiene for institutions.—The provisions of this Act shall not prevent the local authority of any city or district from adopting rules and regulations prescribing standards of sanitation, health and hygiene for the institutions.

STATEMENT OF OBJECTS AND REASONS

A large number of bogus children's houses and orphanages are existing in the country and exploiting destitute women and children. Inhuman conditions prevail in these institutions. In order to protect women and children from such exploitation, legislation is necessary to regulate and license orphanages and other institutions caring for women and children under eighteen years of age, and to provide for the proper custody, care and training of their inmates. Article 39 of the Constitution relating to the Directive Principles of State Policy lays down *inter alia* that "The State shall in particular direct its policy towards securing that childhood and youth are protected against exploitation, and against moral and material abandonment."

This Bill seeks to secure the early realisation of this objective.

KAMALENDU MATI SHAH.

BILL No. 36 OF 1953

A Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels.

WHEREAS it is expedient to provide for and to consolidate the law relating to prostitution in India, and to provide for efficient enforcement thereof;

Be it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Suppression of Immoral Traffic and Brothels Act, 19

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(i) "brothel" means any house, room, place, premises or any portion thereof which the occupier or person in charge thereof allows to be used by another person for the purpose of prostitution and includes any vehicle which the person driving or in charge of allows to be used by another person for the purpose of prostitution;

(ii) "commissioner of police" means the Commissioner of Police for cities of Madras, Bombay and Calcutta;

(iii) "magistrate" means a salaried Presidency Magistrate or Magistrate of the first class, inclusive of the Commissioner of Police;

(iv) "prescribed" means prescribed by rules made under Section 18 of this Act;

(v) "prostitution" means promiscuous sexual intercourse for him, whether in money or kind, and includes an act of offering the body to indiscriminate lewdness or sexual intercourse for a consideration;

(vi) "prostitute" means any female available for the purpose of prostitution;

(vii) "Public place" means a place including road, street or way, whether a thoroughfare or not and a landing place to which the public are granted access or have a right to resort or over which they have a right to pass and includes a refreshment room, eating house, coffee house, boarding house, lodging house, tea shop or any other place whether enclosed or open to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place;

(viii) "rescue home" means a corrective institution established or recognised by the State Government in which girls under the age of eighteen years and women rescued from any brothel, disorderly house or place of assignation, are placed in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influence as will conduce to their reformation and the prevention of offences under this Act;

(ix) "shelter" is an institution established or recognised by the State Government in which girls and women undertrials are kept in pursuance of this Act;

(x) "superintendent of police" means a District Superintendent of Police, or any person appointed by the State Government to perform the duties of the Superintendent of Police for the purpose of this Act;

(xi) "vigilance home" means a corrective institution established or recognised by the State Government, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influence as will conduce to their reformation and the prevention of offences under this Act;

(xii) "woman" means a female who has completed the age of eighteen years and above.

3. Common prostitute in vicinity of public places.—Whoever carries on prostitution in any premises.—

(a) which are adjacent or opposite to, or within a distance of one hundred and fifty yards of, any place of public religious worship, educational institution, public park, public playground, cinema, theatre or railway station, or on a thoroughfare, or

(b) which are notified in this behalf, by the Commissioner of Police or the District Magistrate, in the manner prescribed by rules made by the State Government,

shall be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

4. Punishment for keeping or managing a brothel.—(1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,—

(a) acts as a tout or pimp on behalf of any prostitute; or

(b) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof to any person convicted under sub-section (1) or to a person mentioned in clause (a) with the knowledge that such premises or some part thereof are or is to be used as a brothel; or

(d) is wilfully a party to the use of such premises, or any part thereof,

shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, a Court convicting the lessee, tenant, occupier or person residing in any house, room, place, premises or any portion thereof for offences under sub-section (1) or clauses (a) and (b) of sub-section (2) may summarily dispossess any such lessee, tenant, occupier or person occupying or residing in any such house, room, place, premises or any portion thereof and put the lessor or the landlord or the agent of such lessor or landlord in possession thereof.

(4) When the lessor or landlord or the agent of such lessor or landlord is put in possession of any house, room, place, premises or portion thereof under the provisions of sub-section (3) he shall not grant another lease or enter into another contract of tenancy to or for the benefit of the same person or persons without causing to be inserted in such lease or contract all reasonable provisions for the prevention of recurrence of any such offences. Any lessor or landlord or the agent of any house, room, place, premises or any portion thereof in pursuance of sub-section (3) who fails to comply with the provisions of sub-section (4) shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(5) Any person who having been convicted of an offence punishable under sub-section (1) or (2) is convicted of a subsequent offence punishable under the said sub-sections shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both and may in addition be ordered by the Court convicting him, to execute a bond for a sum proportionate to his means with or without sureties to be of good behaviour for such period not exceeding three years as it thinks fit.

(6) If a conviction under sub-sections (1) and (2) is set aside on appeal or otherwise the bond so executed shall be void.

(7) An order for the execution of a bond in accordance with the provisions of sub-section (5) may also be made by an appellate Court or by a High Court when exercising its powers of revision.

(8) The provisions of Chapter VIII of the Code of Criminal Procedure 1898 (Act V of 1898) shall apply to orders made for the execution of bonds under this section and imprisonment for failure to give security shall be rigorous or simple.

5. Right of Police officer to enter into the brothel, and the custody of the girl.—(1) Where a Magistrate has reason to believe from a report made to him by a police officer or otherwise that a girl apparently under the age of eighteen years is living or is carrying on, or is being made to carry on prostitution in a brothel, disorderly house, or place of assignation, he may issue an order to a police officer not below the rank of a Deputy Superintendent of Police specially authorised in writing in this behalf by the Commissioner of Police, or by the Superintendent of Police to enter into such brothel, disorderly house, or place of assignation and to remove therefrom such girl, and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation of such girl and any other girl found therein if, in his opinion, she is under the age of eighteen years and is living or is carrying on or is being made to carry on prostitution in such brothel, disorderly house or place of assignation.

(2) A girl who has been so removed shall be brought before the Court which shall make an enquiry in the manner prescribed for conducting trial and recording evidence in summons cases and if satisfied that she is living on or is being made to carry on prostitution in a brothel, disorderly house or place of assignation, or living in a house used for immoral purpose or in any other circumstances calculated to cause, encourage or favour the prostitution and that the girl is under eighteen years of age may make an order that such girl be placed for a short period in a rescue home or in such other custody as the court for reasons to be stated in writing shall consider suitable:

Provided that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

(3) Where the Court has arrived at a finding regarding the age of a girl dealt with under sub-section (2) such age shall for the purpose of that sub-section be deemed to be her true age and no order of the Court shall be deemed to be invalid or be liable to be interfered with in an appeal or revision on the ground that her age had not been correctly determined.

6. Place of custody of the girl.—When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of sub-section (1) of section 5 the police officer carrying out the removal or when a girl or woman who has been taken into custody under the provisions of this Act, shall until such girl or woman be brought before the Court cause her to be detained in a rescue home or shelter or in such other suitable custody other than a police station or jail, as may be prescribed in this behalf by the State Government, provided however that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

7. Punishment for living on the earnings of prostitution.—(1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Where any person is proved—

(a) to be living with or to be habitually in the company of a person living on prostitution, or

(b) to have exercised control, direction or influence over the movements of a person living on prostitution in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other or generally, it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1):

Provided that the mother, or a son or daughter of a person living on prostitution shall not be punished under sub-section (1) unless it is proved to the satisfaction of the Court that such mother, son or daughter is aiding, abetting or compelling her prostitution.

8. Punishment for traffic in women or girls.—(1) Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on prostitution or causes or induces any woman or girl to carry on prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any offences under this section may be tried in any place to which the woman or girl is brought or in which an attempt to bring her is made or in any place from which she is brought or caused to be brought or from which an attempt to bring her is made.

9. Punishment for detention of a woman or a girl in a brothel.—(1) Any person who detains any woman or girl against her will,—

(a) in any brothel,

(b) in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband.

shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) A person shall be presumed to detain a woman or a girl in a brothel for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,

(a) withholds from her any jewellery, wearing apparel or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery or wealth apparel lent or supplied to her by or by the direction of such person.

(3) Notwithstanding any law to the contrary, a woman or girl mentioned in sub-section (2) shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to or to have been pledged by such woman or girl by or to the person by whom she had been detained.

10. Punishment for inducement.—(1) Any person who induces a woman or girl to go from any place with intent that she may for the purpose of prostitution become the inmate of or frequent a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) An offence under sub-section (1) shall be triable in the place from which the woman or girl was induced to go or in any place to which she may have gone as a result of such inducement.

11. Punishment for prostitution.—(1) Whoever, in any street or public place or within sight of and in such manner as to be seen or heard from any street or public place whether from within any house or building or not,—

(a) by words, gestures, indecent exposures of his or her person or otherwise attracts or endeavours to attract attention for the purposes of prostitution, or

(b) solicits or molests any person for the purposes of prostitution, shall be punished with imprisonment for a term which may extend to one year or with a fine which may extend to one thousand rupees or with both.

(2) A Magistrate convicting any girl or woman who has not attained the age of thirty years, of an offence under sub-section (1), may in lieu of passing a sentence of imprisonment under the section pass a sentence of detention if she is a girl in a rescue home or if she is a woman in a vigilance home for a term which shall not be less than two years or more than five years.

(3) Where a Magistrate has arrived at a finding regarding the age of a girl or woman dealt with by him under sub-section (2) such age shall for the purpose of that sub-section be deemed not to be invalid or be liable to be interfered with in an appeal or revision on the ground that her age had not been correctly determined by the Magistrate.

(4) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 (Act V of 1898) a sentence of detention for any period passed under sub-section (2) shall be deemed to be a sentence of imprisonment for the like period.

12. Ejection from the premises used as a brothel.—(1) Any Presidency Magistrate or Superintendent of Police on information received or complaint made that any house, room, place, premises or any portion thereof is being run or used as a brothel by any person may on enquiry made in a summary manner and on being satisfied that it is so run or used by any person, notwithstanding any other law for the time being in force, summarily dispossess such person who resides in or occupies any such house, room, place, premises or any portion thereof found

to have been so run or used, and put the lessor or landlord or the agent of such lessor or landlord in possession thereof:

Provided that if it is found that the lessor or landlord has so run or used the house, room, place, premises or any portion thereof the Magistrate may let the house to any tenant and arrange to pay the rent to the lessor or landlord as the case may be.

(2) An appeal or revision from any order or judgment under subsection (1) shall lie to the High Court.

13. Punishment for seduction of a girl who is in custody.—Any person who having custody, charge or care of any girl or woman causes or aids or abets the seduction or prostitution of that girl or woman shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

14. Evidence as to the character of the accused.—Notwithstanding anything contained in any other law for the time being in force in any proceeding under this Act, evidence of bad character, general reputation or disposition shall be relevant and admissible against the accused.

15. Arrest without warrant.—(1) Any police officer not below the rank of an Inspector may arrest without a warrant any person who has committed an offence under sections 4, 7, 8, 9, 10 and 11 or against whom a reasonable complaint has been made or credible information has been received or is reasonably suspected or alleged to be suspected to be concerned in an offence punishable under section 11 shall be arrested under this section only if the name and address of such a person be unknown to the police officer and cannot be ascertained by him then and there or if he has reason to suspect that a false name and address of his have been given.

(2) Any police officer authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order may arrest without a warrant any person committing in his view any offence punishable under sections 8, 9, 10 or 11 if the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there or if he has reason to suspect that false name and address have been given.

16. Entry into certain premises without warrant.—(1) Notwithstanding anything contained in any other law for the time being in force any police officer not below the rank of an Inspector and any other police officer, authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order or by orders by any Presidency Magistrate or First Class Magistrate may for the purpose of ascertaining whether an offence punishable under sections 4, 7, 8, 9, 10 and 11 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 4, 7, 8, 9, 10 and 11 has been committed.

(2) Any police officer entering into the premises under subsection (1) shall be entitled to remove therefrom any girl if in his opinion she is under the age of eighteen years and is carrying on or is being made to carry on prostitution in such premises.

73) All the provisions of this Act shall apply in regard to any girl so removed under sub-section (2) as if she had been removed under sub-section (1) of section 5.

17. Magistrate to try certain offences.—None below the rank of a Magistrate as defined in clause (iii) of section 2 shall try offences under sections 4, 7, 8, 9, 10 and 11:

Provided that notwithstanding anything contained in clause (iii) of section 2 the Commissioner of Police shall not be deemed to be a Magistrate for the purpose of this section.

18. State Governments to make Rules for maintenance of girls under custody.—(1) The State Government may make rules,—

(i) for the maintenance of girls placed in a rescue home or homes or other suitable custody under sub-section (2) of section 5;

(ii) for the detention of girls under the provisions of section 6 subject to the restriction that no girl shall be detained in the custody of a person or body of a different religious persuasion from that of the girl;

(iii) for the purpose of carrying into effect the provisions of section 11 and section 12 and in particular and without prejudice to the generality of this power with regard to—

(a) the management of vigilance homes and the appointment, powers and duties of officials in such homes;

(b) the care, treatment, maintenance, training, instruction and control of the inmates of such homes;

(c) visits to and communication with, such inmates;

(d) the temporary detention of women sentenced to detention in vigilance homes until arrangements are made for sending them to such homes:

Provided that no woman shall be detained in the custody of any person or body of a religious persuasion different from hers;

(e) the transfer of a woman from one vigilance home to another;

(f) the transfer from a vigilance home to a prison of women found to be incorrigible or exercising a bad influence and the period of their detention in such prison:

Provided that such period shall not exceed one year;

(g) the transfer to vigilance homes of women sentenced under section 11 and the period of their detention in such homes;

(h) the discharge of inmates from vigilance homes either absolutely or subject to conditions, and their arrest in the event of breach of such conditions;

(i) the grant of permission to inmates to absent themselves for short periods.

(2) In making any rule under clause (iii) of sub-section (1) the State Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees

STATEMENT OF OBJECTS AND REASONS

The large scale immoral traffic in women and children that is going on in our country has been a cause of grave anxiety for some time. Some States like Bombay, Madras, West Bengal and U. P. have taken measures for the suppression of immoral traffic, but it cannot be said that they are effective enough to eradicate the evil, while a greater number of States have taken no legislative action so far. There is, therefore, an urgent need to adopt uniform legislation for the entire country to check the further growth of this evil.

KAMALENDU MATI SHAH.

BILL No. 58 OF 1953

A bill to preserve the milch and draught cattle of the country.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Anti Cattle Slaughter Act, 19

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "cattle" shall include cows, bullocks, their calves, he and she buffaloes and their calves;

(b) "person" shall include any company or association or body of persons whether incorporated or not.

3. Stopping of cattle slaughter.—No person shall kill or slaughter cattle either for food or for any other purpose either in a licensed slaughter-house or any public or private place and no person shall knowingly permit the use of any premises owned, occupied or possessed by him for any such killing or slaughtering.

4. Penalty and procedure.—(1) Any person who contravenes the provisions of section 3 and kills or causes to be killed or slaughtered any cattle, shall be punishable with rigorous imprisonment which may extend to three years or with fine which may extend to one thousand rupees or with both.

(2) The offence shall be cognizable and non-bailable.

STATEMENT OF OBJECTS AND REASONS

The directive in the Constitution of India for stopping cow slaughter has remained a dead letter so far. It is imperative to give effect to the pressing sentiments of the vast majority of people and of the unanimous expression of the will of the people as expressed in

the Constitution. Further, India being an agricultural country and being deficient in milk needs cattle. The cows and buffaloes and the ocks provide these two pressing needs. To meet this constitutional directive and for the preservation of draught and milch animals, it is necessary to take steps for stoppage of slaughter of cows, bulls, bullocks, he and she buffaloes and calves of these animals. Hence this Bill.

U. M. TRIVEDI.

BILL No. 2 OF 1954

A Bill to remove official recognition of caste distinction among Hindus.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Caste Distinctions Removal Act, 19 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “caste” means all castes and sub-castes coming within the general description of Brahmans, Kshatriyas, Vaisyas and the Sudras.

(b) “Hindu” means a person born in a Hindu family and professing Hindu religion and shall include any other person domiciled in India who is not a Christian, Jew, Muslim, Parsi or Sikh by religion.

(c) The expressions “official” and “public” signify any matter relating to or falling within the purview and control of the administration—Legislative, Executive or Judicial—of the Central or State Governments or local bodies or of other institutions created or recognised by an Act of Parliament or State Legislature or an executive order of the Government.

3. Abolition of Caste distinction for official purpose.—Notwithstanding anything contained in any law, custom or usage to the contrary all distinctions of caste, sub-caste and community within the Hindu fold shall be abolished for all official purposes.

4. Prohibition for using any caste distinctions for official or public purposes and in advertisements.—(1) No Hindu after the coming into force of this Act shall describe, or be described, or be called upon to describe himself, by any descriptions of caste, sub-caste or community for any official or public purpose.

(2) No advertisements or public notices offering or seeking employment based on any caste or sub-caste by Government or local bodies or other individuals or institutions shall be made or published in newspapers or periodicals.

5. Penalties.—Any person who contravenes the provisions of section 4 shall be punishable with simple imprisonment which may extend to one month or with fine, which may extend to one thousand rupees or with both.

6. Repeals.—All references to castes or sub-castes in official public documents, records, registers, reports, returns, Acts, Orders of the Legislatures and provisions of law or executive orders based on such castes or sub-castes shall be construed to be inoperative as if they did not exist.

STATEMENT OF OBJECTS AND REASONS

The time has come when, for the solidarity of the nation, the caste distinctions among Hindus ought to be removed, and a casteless Hindu society fostered. As a first step in the direction, it is proposed to remove all official recognition of distinctions of castes and sub-castes within the Hindu fold. The Bill seeks to promote and give effect to that object.

FULSINHJI B. DABHI.

BILL No. 61 OF 1953

A Bill further to amend the Indian Majority Act, 1875

BE it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Indian Majority (Amendment) Act, 1953.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

2. Amendment of section 3, Act IX of 1875.—To section 3 of the Indian Majority Act, 1875 the following proviso shall be added namely:—

“Provided that in the case of a Mitakshra Hindu family consisting of more than one minor the provisions of this section shall apply to the age of the eldest one amongst them and the others shall be deemed to have attained majority only on completion of eighteen years.”

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Indian Majority Act, 1875 has caused inconvenience and has been prejudicial to the interests of minors in a Mitakshara Hindu family consisting of more than one minor where their estates are released from the control of the court or court of wards after the eldest minor has completed the age of twenty-one years.

In order to remove this difficulty it is proper that a provision should be made to the effect that in a Mitakshara Hindu family consisting of more than one minor, the age of the eldest minor should be 21 years for the purposes of the Act and the others should be deemed to have attained majority on completion of eighteen years. Hence this Bill.

JHULAN SINHA.

BILL No. 1 of 1954

A Bill further to amend the Indian Medical Council Act, 1933

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Medical Council (Amendment) Act of 19

(2) It extends to the whole of India.

(3) It shall come into force on such date as the President may, by notification in the Official Gazette, appoint.

2. Amendment of the Preamble, Act XXVII of 1933.—In the Preamble to the Indian Medical Council Act, 1933 (hereinafter referred to as the said Act), the word “higher” shall be omitted.

3. Amendment of section 3, Act XXVII of 1933.—In sub-section (1) of section 3 of the said Act,—

(i) for clause (a), the following shall be substituted, namely:—

“(a) one member from each Provincial Medical Council to be elected by the members of the said Council.”

(ii) for clause (c), the following shall be substituted, namely:—

“(c) two members from each State, where a Provincial Medical Register is maintained, to be elected from amongst themselves by persons who are enrolled on the Provincial Register:

Provided that for the first fifteen years from the first constitution of the Council after this Act comes into force out of the two members so elected, one shall be a Medical Licentiate qualified in India and one shall be a Medical Graduate of the Indian Universities.”

4. Amendment of section 5, Act XXVII of 1933.—In section 5 of the said Act, sub-section (3) shall be omitted.

5. Amendment of section 8, Act XXVII of 1933.—In sub-section (1) of section 8 of the said Act, for the word “once” the word “twice” shall be substituted.

6. Amendment of section 10, Act XXVII of 1933.—In sub-section (1) of section 10 of the said Act,—

(i) for the word “seven” the word “eleven” shall be substituted; and

(ii) for the word “five” the word “nine” shall be substituted.

7. Amendment of section 11, Act XXVII of 1933.—In sub-section (1) of section 11, after the words ‘First Schedule’ the following shall be inserted, namely:—

“and all qualifications in modern scientific medicine recognised by the Provincial Medical Council and registerable in the Provincial Medical Register”

8. Insertion of new sections 20A and 20B, Act XXVII of 1933.—After section 20 of the said Act, the following new sections shall be inserted, namely:—

“20A. *Publication of Indian Pharmacopœia.*—The Medical Council of India shall cause to be published under their direction a book containing a list of medicines and compounds, and the manner of preparing them, together with the true weights and measures by which they are to be prepared and mixed and containing such other matter and things relating thereto as the Medical Council of India shall think fit, to be called the Indian Pharmacopœia and the Medical Council of India shall cause to be altered, amended and republished such pharmacopœia as often as they shall deem it necessary.

20B. *Publication of a register of names of medical practitioners.*—The Medical Council of India shall cause to be published under their direction one common register in alphabetical order of names of the medical practitioners registered under this Act.”

9. Amendment of the Second Schedule, Act XXVII of 1933.—In the heading to the Second Schedule of the said Act. the following shall be added at the end, namely:—

“The recognition granted under this Schedule to qualifications of countries outside India is only on the basis of direct mutual reciprocity.”

STATEMENT OF OBJECTS AND REASONS

The objects of the Bill are,—

(1) to include Medical Licentiates in the All India Register and their representatives on the Medical Council of India,

(2) to make the Medical Council of India more democratic by curtailing the number of nominated members, and

(3) to empower the Medical Council of India to publish the Indian Pharmacopœia.

AMAR SINGH SAIGAL.

M. N. KAUL,
Secretary.